

VZCZCXRO1314
PP RUEHAG RUEHROV RUEHSR
DE RUEHCV #1753/01 3542205
ZNY CCCCC ZZH
P 192205Z DEC 08
FM AMEMBASSY CARACAS
TO RUEHC/SECSTATE WASHDC PRIORITY 2331
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY
RUEHWH/WESTERN HEMISPHERIC AFFAIRS DIPL POSTS PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUMIAAA/HQ USSOUTHCOM MIAMI FL PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 001753

SIPDIS

HQSOUTHCOM ALSO FOR POLAD
DEPARTMENT PASS TO AID/OTI (RPORTER)

E.O. 12958: DECL: 12/18/2028
TAGS: [PGOV](#) [KDEM](#) [VE](#)
SUBJECT: CHAVEZ'S FEBRUARY REFERENDUM DATE A LEGAL STRETCH

CARACAS 00001753 001.2 OF 002

Classified By: A/POLITICAL COUNSELOR DANIEL LAWTON,
FOR REASON 1.4 (D)

11. (C) Summary: Chavez continues to move forward on his amendment proposal, apparently with the hope of holding a referendum before the end of February. The National Assembly (AN) concluded its first debate December 18 in favor of the amendment and has another debate scheduled for the second week of January. Nevertheless, former CNE president Roberto Ruiz told poloff that the National Electoral Council (CNE) could not feasibly prepare for an election before the end of March -- should it follow all the legally proscribed steps. End Summary.

12. (SBU) The first AN debate over Chavez's amendment proposal, held in extra plenary session, lasted nine hours December 18 as each PSUV deputy sought his turn to defend the proposal. The amendment was approved shortly before 10 p.m. with objections from the pro-government Patria Para Todos (PPT) party and open opposition from the Podemos party. Another AN debate is scheduled for the first week after the reopening of the legislature on January 5. As of December 19, the PSUV claimed that some 4.7 million signatures had been collected by Chavista activists in favor of the amendment.

LENGTHY ELECTORAL PREPARATION PROCESS

13. (C) Former CNE president Roberto Ruiz told poloff December 18 that the logistics of preparing for an election would make it difficult to hold a referendum prior to at least mid-March. After the AN submits the proposal, the CNE is legally obligated to follow several steps that may not run concurrently. Ruiz said the wording of the referendum question has to be approved, then the electoral registry must be opened for 30 days to allow for changes since it was last closed in September. The parties then have 15 days to formally register in support of either "yes" or "no" and at least a 30 day campaign period. The balloting machines must also be reprogrammed and at least 10 percent of them tested with registered party representatives present. Ruiz speculated that the technical programming and tests could take around two or three weeks. The parties must also designate a new slate of election witnesses to safeguard the balloting. (Note: The CNE announced previously that the poll workers, who are randomly assigned and selected like US-style jury duty, will stay on through the proposed referendum. End note.)

14. (C) Ruiz pointed out that the CNE took two and a half

months to prepare for the December 2007 referendum, not counting the signature drives. He predicted that the earliest the CNE could hold a referendum -- if they follow all the legal requirements -- would be the end of March. He said that the CNE would publish a timeline of election preparation events as soon as the AN submits the proposal, probably in early January. Ruiz noted that in addition to the CNE's plans to take time off for the holidays, they are also still swamped with electoral challenges from the November 23 state and local elections that they have yet to rule on.

ELECTORAL WITNESSES KEY

¶5. (SBU) Un Nuevo Tiempo (UNT) conducted an assessment of the opposition's coverage of the November 23 state and local elections and concluded that 98.5% of the electoral sites had opposition witnesses present. This suggests that approximately 520 sites (1.5%) were not staffed by opposition witnesses, most prominently in Trujillo State. According to UNT representative Vicente Bello, in 58 of the 520 sites, 95 percent of the ballots cast were in support of PSUV candidates. He claimed that nearly every one of the approximately 85,000 registered voters in the municipalities would have had to cast a ballot to yield these results.

¶6. (C) Comment: Although UNT's electoral witness coverage is probably exaggerated, their study highlights that electoral witnesses are the most effective way for the opposition to counter the possibility of PSUV-supported fraud. Chavez could still lean on the CNE to cut corners and hold the referendum earlier than the projected mid to late March, although he would risk undermining the legitimacy of

CARACAS 00001753 002.2 OF 002

the referendum process. Complaints about improper procedure or other technical legal issues are unlikely to gain traction outside of the opposition's base. End Comment.
CAULFIELD